



NSW GOVERNMENT
Department of Planning

ASSESSMENT REPORT

Rix's Creek Coal Mine Section 96(2) Modification

1 BACKGROUND

Rix's Creek Pty Limited, a subsidiary of Bloomfield Collieries Pty Ltd (Bloomfield) operates the Rix's Creek Coal Mine, located approximately 4.7 kilometres (km) northwest of Singleton in the Hunter Valley (see Figure 1).

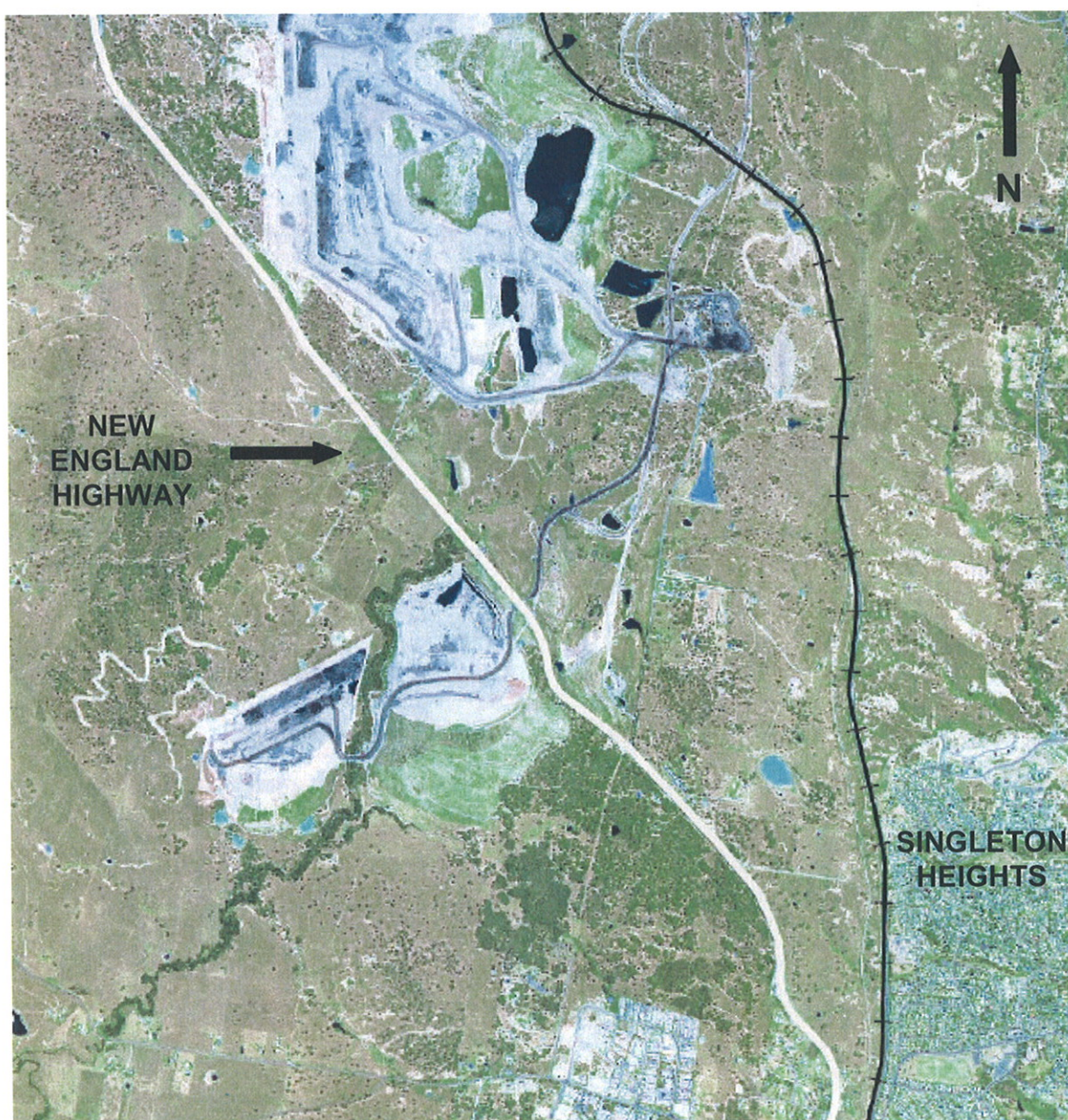


Figure 1: Location of Rix's Creek Coal Mine.

Open cut mining was originally approved in 1989, with an extension granted on 19 October 1995 via a second (and dominant) development application (DA 49/94). This consent has been modified 3 times – in 1999, 2003 and 2004. Under this consent, Bloomfield is permitted to:

- extract up to 15 million cubic metres of material per year from Pits 1, 2 and 3 using trucks, shovel and dragline methods, for a period of up to 21 years from the date of approval;
- process this coal at its Coal Preparation Plant (CPP); and
- transport coal by rail to the port of Newcastle for shipping to export markets.

Rix's Creek Coal Mine is bisected by the New England Highway (the Highway) with mining undertaken on both sides (see Figure 2). Following completion of mining in Pit 2 in 2003, tailings emplacement in the Pit 2 void commenced in 2005. Mining operations are continuing in Pit 1 and Pit 3 (ie West Pit). A bridge over the Highway on the southern side of the site, adjacent to Pit 2, provides unrestricted access for trucks to haul overburden and coal extracted from Pit 3 to rehabilitation areas and the CPP on the eastern side of the Highway (see Figure 2).

2 PROPOSED MODIFICATION AND PROJECT NEED

On 24 March 2009, Bloomfield submitted an application which seeks to modify DA 49/94 under Section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

As mining operations progress further north in Pit 3, away from the existing bridge, a second crossing in the form of a cut and cover tunnel (the tunnel) under the Highway is proposed (see Figures 2 and 3). The tunnel would provide shorter, more direct access for trucks hauling overburden and coal extracted from Pit 3 to rehabilitation areas and the CPP east of the Highway. The tunnel would be located 1 km north of the existing bridge, close to the centre of the mining lease.

The tunnel would improve the mine's operations by reducing the distance trucks must travel. In turn, this would have both environmental and economic benefits, through reduced greenhouse gas emissions and increased efficiency. Construction of the tunnel would take approximately 20 weeks. During this time the Highway would be diverted onto a side track, within the road reserve, for approximately 12 weeks (see Figure 4).

3 STATUTORY CONTEXT

Section 96

Under Section 96(2) of the EP&A Act, a consent authority may modify a development consent if:

- a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)*

The Department is of the view that the development consent as modified would be substantially the same as the consent that was originally granted. In this respect, the Department notes that:

- the proposed modification is located within the existing development consent boundary;
- neither the approved mining area nor the existing infrastructure would need to be modified;
- there would be no changes to the approved extraction rate, approved operating hours, coal handling techniques and coal transportation; and
- the approved mine life would not be lengthened.

On this basis, the Department is satisfied that the Minister may modify the development consent under Section 96(2) of the EP&A Act.

Consent Authority

The Minister was the consent authority for the original development application, and is consequently the consent authority for this application. However, the Executive Director, Major DA Assessments may determine the application under the Minister's delegation of 4 March 2009.

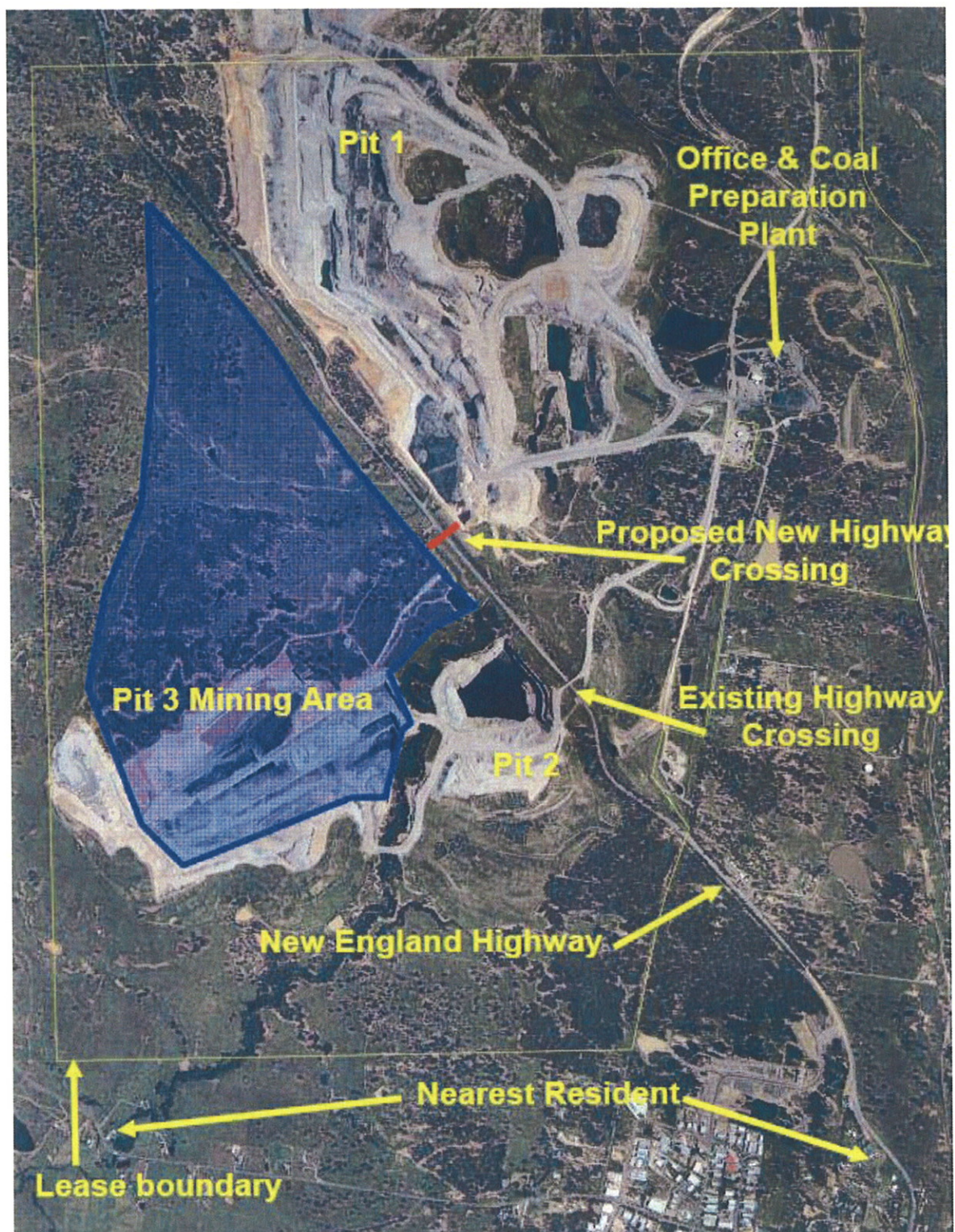


Figure 2: Rix's Creek Coal Mine – Existing and Future Operations.

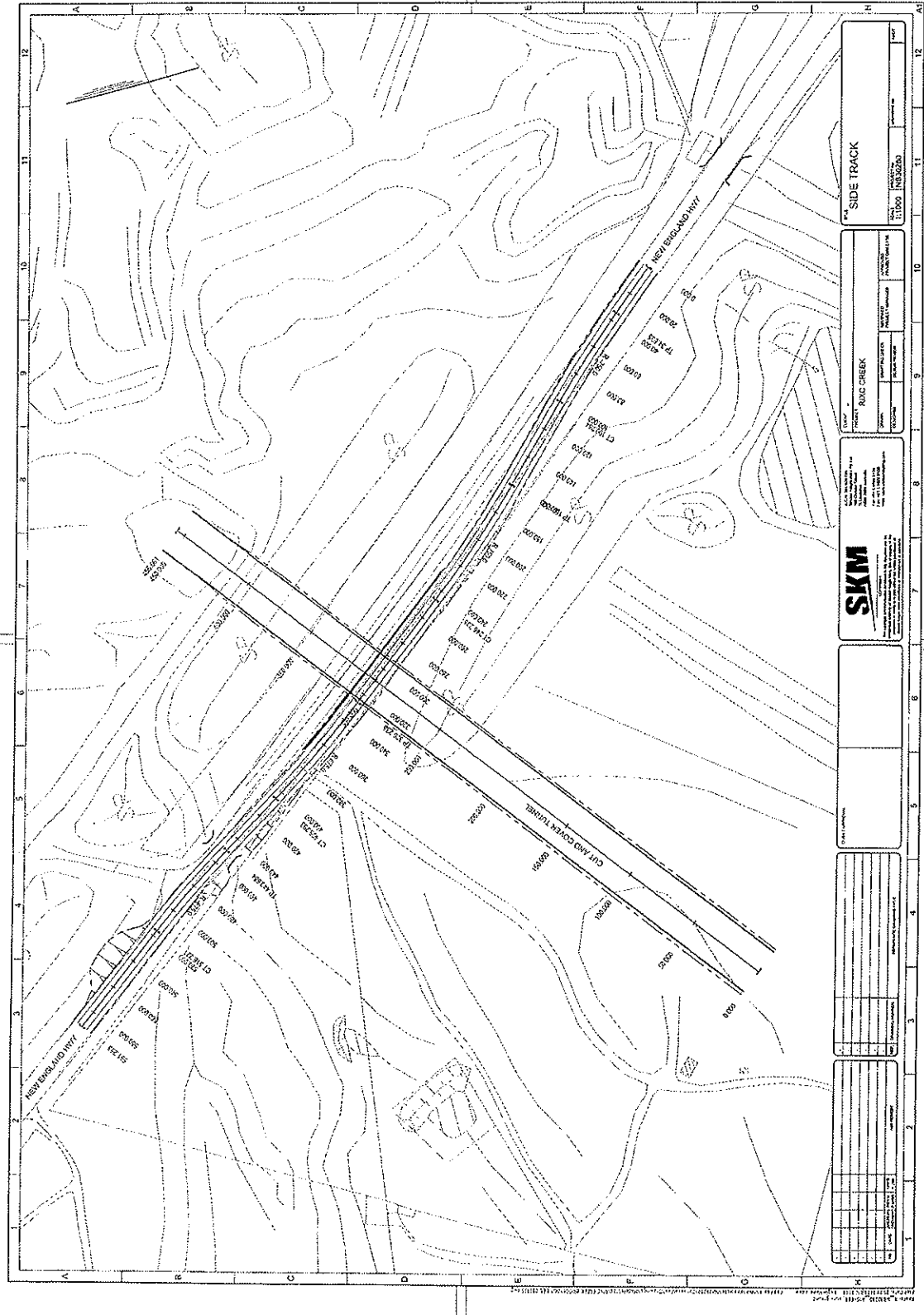


Figure 4: Plan showing the location and extent of the side track.

4 CONSULTATION

Section 96(2) of the EP&A Act requires a consent authority to notify the application in accordance with the *Environmental Planning and Assessment Regulation 2000*. Notice of the modification must be published in a local newspaper and an invitation to comment must be given to each person who lodged an objection in respect to the original development application.

The SEE was publicly exhibited for a 16 day period from 2 June to 17 June 2009. A public notice was placed in the Singleton Argus advertising details of the exhibition period. All persons who lodged a submission in respect of the original development application were written to and invited to comment on the modification. This satisfies the requirements of the Regulation.

In addition, the Department referred the application to the Department of Environment and Climate Change (DECC), the Department of Primary Industries (DPI), the Department of Water and Energy (DWE), the NSW Roads and Traffic Authority (RTA) and Singleton Shire Council (SSC). None of the submissions received objected to the application but the following comments were provided.

DECC noted that the mine is required to continue to operate in accordance with its existing Environment Protection Licence (3391).

DPI requested that the area disturbed by the modification is minimised, especially any impact to previously rehabilitated areas. In addition, DPI requested that integrated rehabilitation and environmental management reporting is captured in the current Mining, Rehabilitation and Environmental Management Report.

DWE requested that the groundwater monitoring plan component of the Site Water Management Plan be reviewed to include further groundwater monitoring to the western boundary of the mine lease (ie west of Pit 3).

RTA provided technical requirements in respect to traffic management, road design and other matters that would need to be addressed by Bloomfield in the required application under Section 138 of the *Roads Act 1993*.

SSC did not comment.

5 ASSESSMENT

The Department's assessment of the key environmental issues is summarised in Table 1 below:

Table 1: *Assessment of key environmental issues.*

Issue	Potential Impacts & Consideration	Conclusion
Traffic	• The design of the cut and cover tunnel would be in accordance with AS5100 Bridge Design Code and RTA Bridge Policy Guidelines and Specifications (see Figure 3). • During the 20 week construction period, the speed limit along the New England Highway through and approaching either side of the construction site would be reduced from 100km/hr to 80km/hr, and to 40km/hr for short periods of time. The 80km/hr general speed limit proposed has been agreed to with the RTA as an acceptable speed reduction on highways through construction zones. • In addition, approximately 600m of the New England Highway would be diverted onto a side track for approximately 12 weeks. The side track has been designed in accordance with the relevant National and RTA road design standards and guidelines for a permanent road and therefore the 80km/hr speed limit is appropriate. • Once the road diversion is in place, slightly increased travel times may be experienced by motorists. These would only be for a short duration when the 80km/hr construction speed limit is reduced to 40km/hr or when only one lane is operational and traffic switches are in place, however no road closures are anticipated. • Bloomfield has committed to undertaking construction works in accordance with the RTA's <i>Traffic Control at Worksites Manual</i>	• The Department is satisfied that the traffic impacts would be short term and minor. • The Department has included contemporary traffic management conditions requiring Bloomfield to prepare and implement a Traffic Management Plan prior to commencement of construction. • In addition, the Department has included a condition that requires Bloomfield to obtain all relevant approvals from the RTA prior to construction of the cut and cover tunnel.

	and AS1742.3 <i>Manual of Uniform Traffic Control Devices</i> and has committed to obtaining both a Road Occupancy Licence and a Works Authorisation Deed from the RTA prior to construction. • During the 20 week construction period, additional mine-related traffic would be generated. Approximately 20 additional construction workers' vehicles and deliveries of plant, equipment and materials would result in approximately 600 additional vehicle movements over the 20 week construction period. • Currently, approximately 10,000 vehicles use the highway per day. Therefore, given the existing traffic volumes along the highway, any increase in traffic as a result of this modification would be short term and minor. • Once operational, the tunnel would have no impact on New England Highway traffic.	
Water quality	• The assessment found the potential water quality impacts from construction and operation of tunnel would be negligible. However, there is potential for earthworks to cause erosion, which may lead to increased turbidity and siltation of Rix's Creek. • Bloomfield has committed to develop and implement Soil and Water Management Plan prior to commencement of construction.	• The Department is satisfied that any water quality impacts would be minor • The Department has included contemporary water management conditions requiring Bloomfield to prepare and implement a Water Management Plan.
Visual amenity	• The assessment found the potential impacts from construction and operation of the cut and cover tunnel on visual amenity would be minimal.	• The Department is satisfied that any visual impacts associated with the cut and cover tunnel would be minor. • The Department has included contemporary landscape management conditions requiring Bloomfield to prepare and implement a Landscape Management Plan.
Waste	• The assessment found the potential waste impacts from construction and operation of the tunnel would be negligible. Waste from construction of the tunnel would either be recycled or disposed of at an appropriate waste management facility.	• The Department is satisfied that waste produced from the construction of the cut and cover tunnel would be disposed of appropriately. • The Department has included general conditions to minimise waste generation at the mine.
Air quality	• The assessment found the potential air quality impacts from construction and operation of the cut and cover tunnel would be negligible. Dust generating activities, unsealed roads and soil stockpiles would be sprayed with water during construction to suppress dust generation, and under very windy conditions stockpiles may be covered and construction may cease.	• No further mitigation measures required.
Noise and Vibration	• The assessment found the potential construction and operational noise and vibration impacts at the nearest residential receivers as a result of construction would be minimal. • The Department is confident that, following the construction of the tunnel, the mine would continue to be able to operate in accordance with the noise limits set out in its conditions of consent.	• No further mitigation measures required.
Flora and Fauna	• The assessment found the potential impacts from the construction of the cut and cover tunnel on flora and fauna would be minimal. • Bloomfield has committed to develop and implement a weed management strategy to mitigate the spread and propagation of weed species, and has also committed to the use of indigenous flora species, where possible, for any revegetation activities.	• No further mitigation measures required.
Heritage	• The assessment found the potential impacts from construction and operation of the cut and cover tunnel on Aboriginal and non-Aboriginal heritage would be negligible.	• No further mitigation measures required.

6 SECTION 79C CONSIDERATION

Section 96 of the EP&A Act requires a consent authority to give consideration to the matters listed under Section 79C when it determines a modification application.

The Department has assessed the proposal against these matters, and is satisfied that:

- the proposal is consistent with the provisions of the relevant planning instruments;
- the potential environmental impacts are not significant and can be adequately minimised, mitigated and/or managed;
- the site is suitable for the development and the proposed modification in generally in the public interest; and
- the proposed modification can be carried out in a manner that is consistent with the objects of the EP&A Act, including the principles of ecologically sustainable development.

7 RECOMMENDED CONDITIONS

The Department is satisfied that the existing conditions of consent for Rix's Creek Coal Mine are generally adequate to manage the development as proposed to be modified. The Department has recommended additional conditions to minimise and manage the risks associated with the cut and cover tunnel, including requiring Bloomfield to:

- design and construct the side track and cut and cover tunnel in consultation with and to the satisfaction of the RTA; and
- prepare and implement a Traffic Management Plan.

In addition, the Department has taken the opportunity to align the existing consent with current management requirements. The Department has included conditions requiring Bloomfield to:

- prepare and implement a Water Management Plan and Landscape Management Plan for Rix's Creek Coal Mine; and
- monitor and manage greenhouse gas emissions and waste streams at the mine.

Bloomfield does not object to the proposed conditions.

8 CONCLUSION

The Department has assessed the application in accordance with the relevant requirements of the EP&A Act. This assessment found that the modification would not lead to any significant environmental impacts. However, some minor impacts would result during construction, particularly relating to traffic along the New England Highway. Bloomfield has committed to a number of measures designed to minimise and/or mitigate these impacts, including the preparation and implementation of a Traffic Management Plan. Other impacts would be negligible.

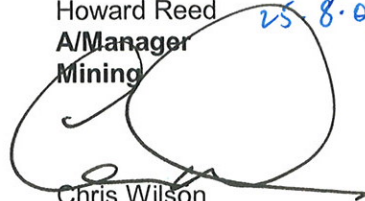
On balance, the Department believes that the benefits of the proposed modification substantially outweigh any residual costs and that it is in the public interest and should be approved, subject to conditions.

9 RECOMMENDATION

It is recommended that the Executive Director, Major DA Assessments, as delegate for the Minister:

- consider the findings and recommendations of this report;
- determine that the development to which the consent, as modified, relates is substantially the same development for which consent was originally granted;
- approve the proposed modification under section 96(2) of the EP&A Act; and
- sign the attached notice of modification (Tag A).


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